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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,452	01/31/2001	Timothy D. Neveu	37090-6033	8034
33123	7590	09/24/2004	EXAMINER	
DAVID A. HALL HELLER EHRMAN ET AL. 4350 LA JOLLA VILLAGE DRIVE #700 SAN DIEGO, CA 92122			COBURN, CORBETT B	
			ART UNIT	PAPER NUMBER
			3714	

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/773,452	NEVEU ET AL.
	Examiner	Art Unit
	Corbett B. Coburn	3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 September 2004. *16 MSC*
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) 15-21,36-42 and 57-63 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-14,22-35 and 43-56 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 9, 22-27, 30, 43-48 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuno (6,409,604) in view of Iwao et al. (US Patent Number 6,533,663).

Matsuno teaches a computer readable program and method of designating candidate objects with respect to an initial object in a virtual environment of an information processing system that comprises displaying one or more candidate objects on a display screen; displaying a candidate range indicator on the display screen in response to actuation of a candidate input interface on an input device, the candidate range indicator comprising a visual indication of a candidate range for the initial object; displaying a visual indication in association with a first candidate object in response to the first candidate object intersecting at least a portion of the candidate range indicator on the display screen, the visual indication being associated with a first designation input interface on the input device; and causing a predetermined action from the initial object with respect to the candidate object in response to actuation of the first designation input interface (abstract; Fig. 5; Fig. 21; col. 1, lines 65-67; col. 2, lines 1-12, lines 24-30, lines 53-55 and lines 65-67; Fig. 24).

Regarding claims 4, 25, and 46, Matsuno teaches all the elements of the claims. Matsuno

further teaches that the size of the bounded area is a function of the weapon with which the player object is equipped (col. 13, lines 44-47 and col. 14, lines 6-11).

Regarding claims 5-6, 26-27 and 47-48, Matsuno teaches all the limitations of the claim as discussed above. While Matsuno teaches the use of an input device, Matsuno is silent regarding that input device being a joystick. The examiner takes official notice that it is well known in the art to use joysticks as input devices. Further, it is well known to have a neutral position (no input, where characters remain still) and non-neutral (input, where characters are moved in various directions in XYZ plane) for joystick input devices. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include a joystick as the input device in Matsuno to make it easier for the player to quickly manipulate the device, thereby increasing the accuracy of the input.

Matsuno fails to teach use of a designated button on the input device for initiating the display of range information. Iwao teaches use of a designated button (35) to initiate the display of range information. (Col 10, 38-42 & Col 11, 48-58) Iwao teaches that this assist players to select magic (i.e., a spell) during a game. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Matsuno in view of Iwao to use a designated button on the input device for initiating the display of range information in order to assist players to select magic (i.e., a spell) during a game.

3. Claims 7-8, 10-14, 28-29, 31-35, 49-50 and 52-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuno (6,409,604) & Iwao in view of Ohnuma et al (6,375,571).

Regarding claims 7-8, 13-14, 28-29, Matsuno & Iwao teach all the limitations of the claims as discussed above. Matsuno is silent regarding the feature of displaying an attack icon

that is associated with an input interface on an input device. Iwao teaches icons (Fig 14), but does not teach the claimed icon locations. In an analogous gaming system, Ohnuma teaches an icon on the display that is associated with an input interface on an input device (col. 2, lines 25-33; Fig. 10, #204). It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the icon and icon location of Ohnuma in the display of Matsuno & Iwao in order to assist the player in using the button that gives the most appropriate input for attacking the enemy character (such as kick, jump, etc.) in order to increase the chances of the players success against the enemy character.

Regarding claims 10-12, 31-35, 49-50 and 52-56, Matsuno, Iwao and Ohnuma teach the limitations of the claims as discussed above. The references are silent regarding the explicit teaching of the player object attacking the enemy character while facing away from the enemy character. However, the examiner takes official notice that it is well known in the art to have characters facing in various directions, depending on the particular programming of the video game. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include this feature in Matsuno, Iwao and Ohnuma in order to enhance the video graphics of the gaming system, thereby making the game more attractive to players.

Response to Arguments

4. Applicant's arguments with respect to claim 1-14, 22-35 & 43-56 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. This is an RCE of applicant's earlier Application No. 09/773,452. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (703) 305-3319. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (703) 308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



cbc



JESSICA HARRISON
PRIMARY EXAMINER